

EXECUTIVE COMPLIANCE AGREEMENT

VIRGINIA DEPARTMENT OF CORRECTIONS HAYNESVILLE CORRECTIONAL CENTER, VPDES PERMIT NO. VA0023469 BUCKINGHAM CORRECTIONAL CENTER, VPDES PERMIT NO. VA0066460 NOTTOWAY CORRECTIONAL CENTER, VPDES PERMIT NO. VA0066869

This is an Executive Compliance Agreement (the "Agreement") between the Virginia Department of Corrections and the Virginia Department of Environmental Quality ("DEQ") pursuant to the Director's authority, as set forth in §§ 10.1-1185 and 62.1-44.14 of the Code of Virginia, to administer and enforce the State Water Control Law and regulations.

The Department of Corrections owns and operates a wastewater treatment plant ("WWTP") serving the Haynesville Correctional Center in Richmond County, Virginia. This facility is the subject of VPDES Permit No. VA0023469 which was issued on May 3, 1999, and which allows Haynesville Correctional Center to discharge treated wastewater into an unnamed tributary of Garlands Millpond in strict compliance with the terms, limitations, and requirements outlined in the permit. Garlands Millpond is listed in Part II of the 303(d) report as impaired for copper and zinc because the WWTP has not met copper and zinc permit effluent limitations.

The Department of Corrections owns and operates a WWTP serving the Buckingham Correctional Center in Buckingham County, Virginia. This facility is the subject of VPDES Permit No. VA0066460 which was issued on July 26, 2002, and which allows Buckingham Correctional Center to discharge treated wastewater into Turpin Creek in strict compliance with the terms, limitations, and requirements outlined in the permit. Turpin Creek is listed in Part II of the 303 (d) report as impaired for copper and zinc because the WWTP has not met copper and zinc permit effluent limitations.

The Department of Corrections owns and operates a WWTP serving the Nottoway Correctional Center in Nottoway County, Virginia. This facility is the subject of VPDES Permit No. VA0066869 which was issued on April 25, 2003, and which allows Nottoway Correctional Center to discharge treated wastewater into Mallory's Creek in strict compliance with the terms, limitations,

and requirements outlined in the permit.

The Department of Corrections has attempted to achieve compliance with effluent limitations for zinc and copper as required by the referenced VPDES permits by performing internal investigations and, as a result, prohibiting the use of zinc-laden floor waxes and cleaners. In addition the use of other chemicals that enhance zinc levels has been curbed where feasible. The Department of Corrections has also modified WWTP operations, adjusting pH and adding soda ash and lime, in an attempt to reduce zinc and copper levels in WWTP discharges.

Although the Department of Corrections has taken steps to achieve compliance it has failed to consistently comply with zinc and copper effluent limitations. To remedy this matter, the Department of Corrections and DEQ agree to the schedule of action contained in Appendix A, and the interim effluent limitations contained in Appendices B, C, and D of this Agreement.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. The Virginia Department of Corrections agrees to be bound by any compliance dates in this Agreement which may predate its effective date.

Gene M. Johnson, Director
Department of Corrections

Date

Robert G. Burnley, Director
Department of Environmental Quality

Date

VIRGINIA DEPARTMENT OF CORRECTIONS

APPENDIX A

The Virginia Department of Corrections agrees to:

1. **By August 1, 2004**, complete a preliminary engineering evaluation of the Haynesville, Buckingham and Nottoway WWTPs, designed to identify the interim and long term corrective actions needed to ensure that the WWTPs consistently meet permit effluent limits for zinc and copper.
2. Submit the results of the above referenced study, together with a schedule for implementation of study recommendations, to DEQ for its review and approval **on or before August 22, 2004**. Upon their approval said study recommendations and schedule of implementation shall become a part of this Agreement.
3. **As soon as possible following completion of the evaluation referenced in paragraph 1 above, but no later than September 1, 2004** submit capital and operational budget requests to the Department of Planning & Budget for sufficient funding to implement approved interim and long term corrective actions, within the timeframe of the approved schedule.
4. **Achieve consistent compliance with VPDES permit effluent limits for copper and zinc, at the Haynesville, Buckingham and Nottoway WWTPs, within 60 days of completion of the corrective actions referenced above, but in no event later than two years after allocation of funding.**
5. All submittals required by this Agreement shall be directed to:

Kathleen F. O'Connell
Water Enforcement Program Manager
Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

VIRGINIA DEPARTMENT OF CORRECTIONS

Haynesville Correctional Center, VPDES Permit No. VA0023469

APPENDIX B

Interim Copper and Zinc limitations:

During the period beginning with the effective date of this Agreement and lasting until completion of the corrective actions referenced in Appendix A hereto, in accordance with the approved schedule therefor, but in no event later than two years after receipt of funding for said actions, discharges from the WWTP shall be limited and monitored in accordance with VPDES Permit VA0023469, except as specified below:

| | Monthly Average | Weekly Average |
|--------|-----------------|----------------|
| Copper | 0.05 mg/L | 0.05 mg/L |
| Zinc | 0.16 mg/L | 0.16 mg/L |

VIRGINIA DEPARTMENT OF CORRECTIONS

Buckingham Correctional Center, VPDES Permit No. VA0066460

APPENDIX C

Interim Copper and Zinc limitations:

During the period beginning with the effective date of this Agreement and lasting until completion of the corrective actions referenced in Appendix A hereto, in accordance with the approved schedule therefor, but in no event later than two years after receipt of funding for said actions, discharges from the WWTP shall be limited and monitored in accordance with VPDES Permit VA0066460, except as specified below:

| | Monthly Average | Weekly Average |
|--------|-----------------|----------------|
| Copper | 0.037 mg/L | 0.037 mg/L |
| Zinc | 0.149 mg/L | 0.149 mg/L |

VIRGINIA DEPARTMENT OF CORRECTIONS

Nottoway Correctional Center, VPDES Permit No. VA0066869

APPENDIX D

Interim Copper limitation:

During the period beginning with the effective date of this Agreement and lasting until completion of the corrective actions referenced in Appendix A hereto, in accordance with the approved schedule therefor, but in no event later than two years after receipt of funding for said actions, discharges from the WWTP shall be limited and monitored in accordance with VPDES Permit VA0066869, except as specified below:

| | Monthly Average | Weekly Average |
|--------|-----------------|----------------|
| Copper | 0.021 mg/L | 0.021 mg/L |